

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**MICHELLE ROSENFELD and  
HERBERT ROSENFELD**

**Plaintiff(s)**

**VS.**

**EDEN FARMS, JAMES GASTON,  
GAST HOUSE LLC.,  
200 EAST 75TH STREET REALTY,  
HYS MARKET CORP. and JOWNY  
MARKET CORP.**

**Defendant(s)**

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: **Civil Action No.: 07CV3347(DC)**  
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: **ECF CASE**  
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: **AMENDED**  
: **COMPLANT AND**  
: **JURY DEMAND**  
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Plaintiffs, Michelle Rosenfeld and Herbert Rosenfeld, residing in Englewood, New Jersey, hereby complain of the defendants and say:

**JURISDICTION**

1. On July 20, 2006, the plaintiffs were residents of the State of New Jersey.
2. On July 20, 2006, the defendants, Eden Farms, Gast House LLC and 200 East 75th Street Realty, HYS Market Corp. and Jowny Market Corp. were corporations, partnerships or other entities that were organized under the law of the State of New York and that did business in the State of New York.
3. On July 20, 2006, there was a diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.00 exclusively of interest and costs.

**STATEMENT OF CLAIM**

1 On July 20, 2006, the defendants, James Gaston, Gast House LLC and 200 East 75th Street Realty, where the owners, operators, managers, supervisors and lessors of the property located at 1303-1305 Third Avenue, New York City, New York.

2 On July 20, 2006, the defendants, James Gaston, Gast House LLC and 200 East 75th Street Realty, were responsible for the operation, supervision, management, maintenance and repair of the aforementioned premises and the adjacent sidewalk.

3 On July 20, 2006, the defendants, Eden Farms and HYS Market Corp., were the tenants on the aforementioned premises and were the owners and operators of a food market.

4 On July 25, 2006, the defendant Jowney Market Corp. purchased all of the assets and liabilities of the defendant, HYS Market Corp.

5 On the aforementioned date and place, the defendants, and their servants, agents and employees, operated, supervised, managed, maintained and repaired the premises and the adjacent sidewalk in a negligent manner.

6 On July 20, 2006, the plaintiff, Michelle Rosenfeld, was a patron of Eden Farms and HYS Market and was caused to trip and fall while exiting the store due to the negligence of the defendants.

7 As a result of the negligence of the defendants, the plaintiff, Michelle Rosenfeld, sustained serious personal injuries with resultant medical expenses, loss of income, pain and suffering, permanent disability, interference with the ability to engage in active pursuits and impairment of the quality of life.

8. As a result of the negligence of the defendants, the plaintiff, Herbert Rosenfeld has incurred medical expenses and has lost the services of his wife.

**DEMAND FOR JUDGMENT**

WHEREFORE, the plaintiffs, Michelle Rosenfeld and Herbert Rosenfeld, demand judgment against the defendants, Eden Farms, James Gaston, Gast House LLC, 200 East 75th Street Realty, HYS Market Corp. and Jowney Market Corp., jointly and severally, for damages, interest, counsel fees and costs.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38 of the Federal Rule of Civil Procedure, the plaintiffs demand trial by jury on all issues.

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Attorneys for Plaintiff(s)

BY: 

GERALD H. BAKER (GHB1914)

Dated: March 24, 2008